BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL JOHN D. POFFENBERGER THOMAS W. FLYNN

WOOD, HERRON & EVANS, L.L.P.

2700 CAREW TOWER

441 VINE STREET

CINCINNATI, OHIO 45202-2917

TELEPHONE: 513-241-2324

FACSIMILE: 513-421-7269

EMAIL: info@whepatent.com

PATENT, TRADEMARK, COPYRIGHT AND UNFAIR COMPETITION LAW AND RELATED LITIGATION

> EDMUND P. WOOD TRUMAN A. HERRON EDWARD B. EVANS

September 22, 2004

1936-1976 1938-1971

JOSEPH R. JORDAN C. RICHARD EBY DAVID E. PRITCHARD

J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT. PH.D.
OAVID E. JEFFERIES
WILLIAM R. ALLEN. PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
WESLEY L. STRICKLAND (VA. DC BAR ONLY)
STEVEN W. BENINTENDI. PH.D.
RANDALL S. JACKSON, JR. J. DWIGHT POFFENBERGER, JR.

TECHNICAL ADVISORS HENRY M. LABODA, PH.D.

RECEIVED **CENTRAL FAX CENTER**

SEP 2 2 2004

FACSIMILE COVER SHEET

To: Examiner Melba Bumgarner

703-872-9306

Application Serial No. 09/941,151

Pages: (including cover sheet) 11

From: Joseph R. Jordan

COPY OF AMENDMENT FOR DISCUSSION. Please DO NOT enter.

The following DRAFT of an Amendment Pending Appeal for discussion. Please contact me at the telephone number above.

If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 421-7269.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly responsible for delivering it to the intended recipient, you are hereby notified that any dissemination. prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you.